

Carers Register Fact Sheet 4

Information exchange between designated agencies

October 2015

About the NSW Office of the Children's Guardian (OCG)

The OCG is an independent, statutory authority committed to delivering better outcomes for children and young people in supported and statutory out-of-home care (OOHC). The OCG is a regulator - not a provider of care services.

The OCG accredits and monitors the performance of agencies that arrange statutory and supported OOHC and adoption services. The OCG administers the Carers Register, a database of persons authorised to provide or who apply to provide statutory or supported OOHC in NSW. Household members are also recorded on this database.

The OCG registers and monitors agencies that provide, arrange or supervise voluntary OOHC.

Requirement for agencies to exchange information

Amendments were previously made to the Children and Young Persons (Care and Protection) Regulation 2012 (the Regulation) which require the exchange of relevant information between designated agencies for the purpose of assessing the suitability of:

- individuals who wish to provide statutory out-of-home care for a child or young person, and
- individuals who reside at the home of an authorised carer or carer applicant.

How is this different from the exchange of information under Chapter 16A?

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* prioritises the safety, welfare, and wellbeing of a child or young person over an individual's right to privacy. It allows information to be exchanged between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal information. Provisions of Chapter 16A have been in place for some time.

The amendments to the Regulation **require** designated agencies to exchange information to assess the suitability of individuals to provide statutory out-of-home care for children and young people.

What is an 'other designated agency check'?

Designated agencies are required to exchange relevant information for the purpose of assessing carer and household member suitability. The Carers Register prompts designated agencies to complete an 'other designated agency check' during the authorisation process.

This is a check by one designated agency with another regarding a person's suitability to care for a child, or reside at the home of a carer, where it is known that the other designated agency has:

- a) previously authorised the person as a carer, or
- b) received an application from the person to be authorised as a carer, or
- c) known the person to regularly reside at the home of such a carer or applicant.

When must the 'other designated agency check' be completed?

The 'other designated agency check' must be completed as part of the authorisation process. For an individual to be authorised, the outcome of this check must be 'satisfactory.'

Who is permitted to request information?

A designated agency that receives an application from an individual to become an authorised carer is required to conduct an 'other designated agency check.'

As the information may refer to sensitive or confidential matters, designated agencies are strongly encouraged to have policies and procedures in place that ensure only authorised staff within the agency may request, provide or receive such information.

Contact details for all designated agencies are available on the Office of the Children's Guardian's website at www.ocg.nsw.gov.au.

The OCG has developed letter templates for optional use by designated agencies to request, provide or refuse to provide information to another designated agency. These templates are available from the Carers Register pages of the OCG's website at www.ocg.nsw.gov.au.

Whose information may be requested?

In accordance with the requirements of the Carers Register, where the designated agency: has received an application from the individual to become an authorised carer

is aware that the individual has a previous or existing association with another designated agency, the designated agency is required to request information from other designated agencies about:

- carer applicants
- authorised carers,
- household members of carers and carer applicants

Are agencies required to obtain consent before exchanging information about individuals?

Consent is not required as information exchange for the purpose of the Carers Register is authorised by the law. However, where practicable and appropriate, it is best practice to inform an individual when specific information about them will be disclosed to another agency.

Designated agencies should inform carers, carer applicants and their household members that:

- their information will be entered onto the Carers Register (see the fact sheet: Carers Register information checklists for designated agencies)
- they have the right to access and correct information held by the designated agency or entered onto the Carers Register.

Recommended process for accurate record keeping

Some designated agency files may contain many years worth of records relating to a carer and any individuals who reside (or have resided) at their home, and this may hinder the timely exchange of information between designated agencies.

Designated agencies are strongly advised to maintain a carer household summary sheet which provides an overview of key information and any important updates which may impact upon their future eligibility for authorisation.

The OCG has developed a carer household summary sheet template for optional use by designated agencies. It is available on the Carers Register pages of the OCG's website www.ocg.nsw.gov.au

What information may be requested?

Information designated agencies are encouraged to exchange with other designated agencies includes (but is not limited to):

Applications

- Confirmation of core identification details (name, 'also known as' names, date of birth etc.)
- Details of any current and/or previous applications for authorisation including date, status of application (i.e. approved, withdrawn or refused) and reason for decision
- Details of any previous suitability and probity checks conducted
- Copy of the individual's initial carer assessment

Authorisation and carer reviews

- Details of any current and/or previous authorisations including dates of authorisation, reason for any suspension, cancellation or surrender of authorisation
- Details of any previous suitability and probity checks
- If the association with other designated agency has ended, reason for departure
- Current/previous conditions of authorisation, type of care, age range, authorisation type, general suitability, placement restrictions
- Carer conduct (previous, current and foreseeable) such as strengths, willingness to work within the organisational policies and any issues or concerns
- Training frequency and records of participation
- Copies of performance reviews and risk assessments
- Finalised reportable allegation or reportable conduct matters (please refer to p.4 for more information)

Household members

- Details of current and/or previous household members including relationship, length and frequency of stay, 'also known as' names, and any concerns
- Details of any other people that frequent the house (outside the definition of household members)
- Household member conduct
- Details of household member probity checks

Placements

- Details of any current placements of children and/or young people (only non-identifying information to be exchanged about children and young people placed)
- Case file notes (information recorded on the carer household summary sheet)

- History of care provided to children and young people and capacity to provide care (including dates/length of placements, care type, ages of children and/or young people placed, reasons why placements ended)

Other

- Previous relationships that may be relevant (to caring or capacity to provide care)
- Cultural and religious considerations
- Family and community connections
- Geographical considerations

What is the timeframe for the exchange of information?

Designated agencies are advised to provide appropriate information requested by an authorised individual from a designated agency without delay (as soon as is practicable). Delay in providing information will delay completion of assessment and authorisation process.

Is the requesting agency authorised to share the information with other agencies?

Designated agencies are strongly advised to only share within the designated agency with colleagues who require the information on a need-to-know basis. That is, the information is necessary for the individual to complete their work duties.

Information may be shared with other prescribed bodies if it is requested in accordance with the requirements of Chapter 16A.

What information may be shared regarding reportable allegation matters?

All allegations against authorised carers or adult household members that are:

- reportable allegations within the meaning of section 18 of the *Children's Guardian Act 2019*, or
- allegations of conduct of a class or kind exemption from being reportable conduct under section 30 of that Act, must be recorded on the Carers Register.

When a record shows 'Current Reportable Allegation' or 'Finalised reportable allegation – contact agency', relevant information can be exchanged when conducting 'Other designated agency checks' or a 'Community Services check'.

In cases where 'Contact the NSW Office of the Children's Guardian', is recorded, the designated agency must seek advice from the NSW Office of the Children's Guardian about how to proceed before taking any other action: this includes not discussing the allegation with any other person or agency, including the person the subject of the allegation, and not continuing with any probity checks related to the individual or their adult household members.

Refer to the *Carers Register User Guide* and the *NSW Office of the Children's Guardian reportable allegations business rules* on the OCG website at www.ocg.nsw.gov.au for further information.

Is an authorised carer, carer applicant or household member entitled to view their own information on the Carers Register?

Authorised carers, carer applicants and household members have the right to view information held about them on the Carers Register and to correct this information if necessary. Individuals seeking to view their information are advised to contact their designated agency.

If there are disputes regarding the validity of information held on the Carers Register, designated agencies are advised to call the Office of the Children's Guardian on (02) 8219 3600 or email carers-register@ocg.nsw.gov.au

More information

Information about the Carers Register is available from the OCG's website at www.ocg.nsw.gov.au. If you have a question about the Carers Register, please email carers-register@ocg.nsw.gov.au

For information about the OCG's other regulatory responsibilities, including the Working With Children Check, Child Safe Organisations, statutory and voluntary out-of-home care, and adoption, please visit www.ocg.nsw.gov.au.

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